

**DRAFT CONSERVATION COMMISSION MINUTES**  
**WEDNESDAY, FEBRUARY 7, 2007 – 7:00 PM**  
**CATA CONFERENCE ROOM**  
**3 POND ROAD**  
**MAX SCHENK, CHAIRMAN**

**MEMBERS PRESENT**

Max Schenk, Chairman  
Charlie Anderson  
William Febiger  
Robert Gulla  
Ann Jo Jackson

**MEMBERS ABSENT**

Arthur Socolow

**STAFF PRESENT**

Nancy Ryder, Conservation Agent  
Carol Gray, Recording Clerk

Ms. Hannah Whipple, a new assistant for Ms. Nancy Ryder, Agent for the Commission was introduced to all members present as well as the general public.

**CLOSURE OF HEARINGS REVIEW OF FINAL INFORMATION**  
**AMENDMENT AND SIGNING PERMITS/DECISIONS**

**28-1637 107 WHEELER STREET**

Extension Permit – Ms. Ryder notes that this was voted on previously and she proceeded to recap noting conditions 18-24 by 6/30. This is currently in violation as the 1<sup>st</sup> 100 ft. of riverfront needs a buffer. 6 months to get required plantings.  
Signed by all members present.

**28-1765 PAVILLION BEACH**

Amendment CSO project, amend condition #6

Ms. Ryder notes this having 3 separate requests:

1. Condition re: stockpiling #36. The Agent can approve the location. DEP issued a notice of non compliance.
2. No. 34, all work was to stop 2/1 but agencies stated 2/15, a 15 day extension to be in compliance.

Mr. Schenk inquired with the Agent as to migration issues and Ms. Ryder replied that others stated this not being a concern.

3. The allowance of an additional barge w/ 75ft of the area.

Mr. Anderson inquired as to DMF objections and Mr. Febiger had no issues.

Ms. Ryder noted that the vote by the Commission would be on the three issues noted above and reiterated as amend location, map and lot, work to stop 2/15 and addition of the barge/ not grounded or anchored.

**MOTION:** Ms. Jackson moves to amend as noted above.

**SECOND:** Mr. Anderson      **VOTE:** 4-0 all in favor

**28-1511 745R WESTERN AVENUE, COC**

Mr. Schenk noted a site visit that was done in regards to the CoC and one area that was washed out near the bridge and the bump out area. Additional plantings are needed. At the site visit there was also a conversation with one of the condo people re the survival of plantings for the

spring. A personal interest was noted as the individual will be seeing Mr. Schenk again regarding this matter.

Other issues being a separate violation order will be kept aside for now.

Mr. Febiger asked that the record show the above statement.

MOTION: Ms. Jackson

SECOND: Mr. Febiger      VOTE: 4-0 all in favor and signed by all members present.

**HUTCHINS COURT** (Map 115 Lot 30, Map 125 Lots 22 & 71)

Carrigan Enterprises Inc.

Ms. Ryder and the Commission discussed a quorum in regards to the number of members present, a quorum is 4. Ms. Ann Jo Jackson stated she cannot participate. Ms. Ryder noted that all that is needed are signatures of the members.

Ms. Ryder - recused.

Mr. Schenk noted the OoC and listed no disturbance to BVW but there is, area: work in the culvert. Mr. Schenk will cross out and initial.

Mr. Feurbach, for the applicant notes page. 3 and two changes, he stated: 1<sup>st</sup> re: 2 to 1 restoration work in BVW not work in the buffer zone.

He notes the 2<sup>nd</sup> change being the expiration is listed as one year and it should be 7 years, pg. 7.

And the 3<sup>rd</sup> change Mr. Feurbach notes is the last page and the document listings, re: topographical cluster plan, 1/10/07.

Further discussion was had between Mr. Feurbach, Ms. Jackson and the members regarding either 3 or 4 signatures Mr. Feurbach and asked if Ms. Jackson was going to be the 4<sup>th</sup> member and sign and further asked that it be noted on 1/17, four members voted (page 3).

Ms. Jackson noted that she felt it would be more consistent if she did not sign.

Mr. Feurbach stated that he felt it was o.k. for 3 Comm. members to sign, but has concerns and would still like Ms. Jackson to sign and make it 4 members signing.

Ms. Jackson agreed to it and signed as well as all members present.

Ms. Ryder asked the Commission to keep in mind The Legal Dept. and the clarification re: quorum and all present and the majority of the quorum to sign documents.

**PUBLIC COMMENT:**

Mr. Steven Golden of Gloucester noted a program on NPR re: the ocean and carbon.

Mr. Schenk noted that he had an interest in the programming as well.

Mr. Golden further noted Riggs Point and a legal point re: a limited project.

He went on to comment re: Ms. Ryder's letter and the wording: limited project and highlighting the word may. He feels the developer may think it's a right. He further mentioned Ms.

Alexandria Davidson and wanting to speak with her regarding this matter.

Further mentioning this as a discretionary project, being un-buildable without sewer and water line extensions.

He feels the need for local ordinances to be strengthened and that it should be taken up as soon as possible. He stated that he felt personally offended as he feels Mr. John Judd totally disregarded the Commission. He reiterated his feelings on the need to strengthen local ordinances.

He made further comments regarding the property at Keystone Road. Re: an appeal form, with 27 people signing and a number of the people who signed got calls from Michael Carrigan and/or

associates with Michael Hubbard involved as well. He feels this is harassment and crossing the line. He further stated that if this continues he will file a complaint with the MA Board of Building Contractors. He informed the Commission that people will not be scared off. He stated that he had no issue with Mr. Carrigan but has to understand the people's sensitivity regarding this issue. He closed by saying that people will assert themselves.  
Public Comment Closed

**12 HILLSIDE ROAD** (Map 83 Lot 42)

Angelo Zakas and Matthew Donaghy to construct a single family home with associated grading and utilities.

The applicant is not present at the meeting at this time (7:30PM).

Ms. Ryder noted deny/ closing it w/o prejudice, allowing them a re-filing.

There has been no guidance to assist in continuing the matter and a ½ hr block has been scheduled for this issue.

Mr. Gulla asked if individuals could speak at this time.

Ms. Ryder stated that legally The Cons. Comm. does not have the right to continue this matter, under local we do but not state. The Agent's recommendation withdrawal or close w/o prejudice. It was further mentioned that the applicants are waiting for a Zoning Appeal.

Mr. Schenk noted that they did not bother to call and say either way.

Mr. Anderson stated that he would like to close it as there are a lot of questions regarding this project; best way is to close and start from scratch.

Ms. Ryder noted that with an indefinite continuance you do not need to make a decision.

A denial could lead to an appeal. This can be denied for lack of info, which could lead to appeal with DEP. Under the Wetlands Prot. Act they can re-file but with local there is a 2 yr. wait.

Mr. Schenk stated that before any decisions are made this should be made open to the public at this time.

Wendy McGrath – abutter – 6 Gilbert Rd. stated that she strongly wishes no variances are granted in this matter, stating this is a Wetland area and wants it to stay Wetlands.

She has photos to submit to the Commission.

Mr. Schenk noted that any submissions are to be made prior to the meeting.

Ms. Ryder stated that she would timestamp them tomorrow and Mr. Schenk stated that the photos would be in the file for further review at any upcoming meetings.

Ms. McGrath stated that the home is going to be built lower than street level, they will raise the land and water will run down Gilbert Street with that amount of water going into Hillside Rd. as well and this area floods already. She further mentioned the Cons. Comm. and allowing building and St. Anthony's Rd. where the area was raised and everything flooded into her and her neighbor's property.

Ms. Ryder noted areas that flood: 6 and 8 Gilbert Rd.

Ms. McGrath stated that water becomes ankle deep and she has to wear rubber boots in the driveway to get to her car. She further stated that the neighbor had to put in a huge drainage system. She wants the area to stay Wetlands.

Mr. Schenk stated that at one time he lived on Hillside Road is aware of the hydrology.

Ms. McGrath noted that at one point a proposal of a trench but she feels that would add more strain.

Mr. Schenk asked that there be a submission of comments and Ms. McGrath submitted her letter to the Cons. Comm.

Steven Golden 14 Hodgkins St. noted that he looked at a map at home and inquired with the Commission as to where this area is located, East Gloucester ?

Mr. Golden stated that this being a Wildlife Habitat special efforts should be taken to protect the area, with areas being designated by National Heritage.

Ms. Ryder asked that documents/letters be dated and signed, in relation to handwritten documents as well or wait and submit a typed version. Ms. McGrath submits handwritten documents at this time to the Commission.

Mr. Schenk noted an option to deny w/o prejudice, waiving the 2 year holding time to allow the applicant to come back before the Commission at another date.

Ms. Ryder notes the lack of information as well as the lack of request by the applicants of a continuance.

Mr. Febiger asked if the contents of this file to go into a new file and Ms. Ryder stated yes for cumulative review.

Motion to deny based on: lack of info. And lack of request of a continuance. Waiving the 2 year hold time, to be scheduled for the next meeting at 10:00 PM to review and sign documents.

MOTION: Mr. Febiger moves with conditions noted above.

SECOND: Ms. Jackson VOTE: 4-0

### **12 RIO DRIVE** (Map 185 Lot 157)

Poole Construction to construct a single family home on pilings with a deck, driveway and utilities. Request for continuance to 3/21/07.

MOTION: Mr. Anderson moves to continue the matter until 3/21/07.

SECOND: Mr. Febiger VOTE: 4-0

### **AGENT'S REPORT ON VIOLATIONS:**

#### **28-1838: 154 WHEELER STREET**

Ms. Ryder notes that this is the house that burnt down and that there are now new landowners. A bobcat was noted on the tidal flat, a beach being created and the taking down of the retaining wall. The Agent met with the property owner, Mr. Tom Aventista. A plan is being put together, as there are signs of potential storm damage. The full basement is exposed to spring ocean floods.

Mr. Febiger noted this being on the Annisquam.

Ms. Ryder notes that the retaining wall is now below the tide. The house and the retaining wall created an envelope and with the house being set back and w/o a retaining wall, the tide can rush right up.

Mr. Anderson noted this as being a self imposed hardship.

Mr. Ryder stated that there is another site visit scheduled for this Friday. The Agent feels the owner has done himself and the environment a disservice.

Mr. Anderson noted 154 Wheeler Street and The Agent stated that they were coming back with a filing to restore tidal and bank and restoration of the retaining wall.

Mr. Anderson asked if there was a deadline for this and Ms. Ryder stated they were to meet on Friday and can see then. It was made pretty clear that at a storm tide the ocean can come up to the house.

**BROOKS ROAD** – Docks Issue

The NoI is to be submitted the end of October.

Mr. Manuell to come into the office.

A date of 03/14/07 was noted and the removal of the docks and floats from the salt marsh.

**465R WESTERN AVENUE**

It was noted that the delineation was done by the Commission. The spring house has been taken down with a temporary permit to stabilize and a warning letter.

**32 POPLAR**

Trees were cut down. Coming in with NoI, RDA.

DDW ?, weed wacked and thought that was an o.k. thing. More impact away from the stream.

**LETTER PERMITS:**

Ms. Ryder noted the proposed issuing of letter permits but wanted to have discussions with the Commission first.

**1 BEACH ROAD:** The shifting of the parking area away from the riverfront within RRA, vegetation and 2 trees to be cut and replaced closer to the River, no excavation no stumping and stone to be added to level it off.

Rough sketch and photos submitted. The owner is willing to replant and bring in the stone. 3 shrubs and 2 trees to be cut down.

Ms. Ryder further notes that this being more than 100 ft from coastal less than 200 ft. from the creek. Mr. Febiger questioned the reason for the project and

Mr. Schenk inquired as to the kind of trees.

Ms. Ryder noted popular trees and that berry producing trees were wanted.

Trees \*\*\*\*\* to be removed, borderline RDA.

Further mentioned was a low rock wall for the parking area, low to grade and built up, grinding stumps not removing them.

Mr. Anderson noted that it says no stumping.

Ms. Ryder noted removal of 2 trees and 3 shrubs.

Mr. Febiger noted he was o.k. with the letter.

**NOAA – BLACKBURN –**

Blackburn request for change in storm water detention infiltration structures. Letter of response from Engineering w/ conditions.

Ms. Ryder briefs the Commission:

The applicant requests a change in storm water components.

Engineering did an analysis and had no issues.

The changes are a cheaper version but the same engineering and same specifications.

Mr. Schenk inquired as to the rock pile up high and Ms. Ryder noted significant rip rap walls. In a previous response The Engineering Dept. had 5 conditions, requesting they come back for determination. Engineering is required to adhere to the same regulations as the Cons. Comm. Ms. Jackson stated she was o.k. with the letter permit. Conditions: Engineering on site: weekly and during every phase, permit submission, maintain the plan, to be signed by Engineering before any work occurs.

### **28R BEACHCROFT ROAD**

Tree cutting request

Ms. Ryder noted a calling in of violations.

A tree turning outside and within the buffer zone.

The applicant asking for Letter Permit to continue but a portion is not permitted under a Letter Permit.

Edge of BVW.

Recommendation: allowing area 1, anything lower Request for Delineation needed.

Applicant states that trees in area 2, too near to the home.

Ms. Ryder stated that a little thinning is acceptable and recommends a partial approval to the Commission.

Ms. Ryder recommends deny 3-6 RDA required. Allow 1

The Commission agrees with The Agent.

### **SAM PARK** (Map 262 Lots 13 & 14 Map 43 Lot 4)

A filing under the City of Gloucester Wetlands Ord. by Sam Park to construct mixed use development and access road off Rte 128 Extension behind Fuller School.

#### **REQUEST FOR CONTINUANCE TO 03/07/07.**

Ms. Ryder noted that there are two issues with two timeframes for the agenda, one at 7:30PM and one at 8:30PM

**MOTION:** Mr. Anderson moves to continue the matter to the above date.

**SECOND:** Ms. Jackson **VOTE:** 4-0 all in favor

### **124R MAGNOLIA AVE** (Map 124 Lot 35)

Edmonds Family Realty Trust to raze existing 6 family dwelling and construct a two family dwelling.

The Plan was shown to the Commission.

Scott L'Italian present.

He noted on the plan: perennial stream, flood zone well flagged and bank 100 ft. buffer zone noted.

The proposed structure 10 ft. less w/ large deck, due to the property line and septic is the reason for the location.

Submission of photos of the site for the record to be stamped in tomorrow as they cannot be reviewed now.

He further noted that the property has been in the family 100 yrs +.

The rear of the house is all lawn. Erosion control shown on the plan. 350 ft from the Wetland.

Ms. Ryder noted that the site is accurate according to the plan.

The perennial stream was noted. The applicant has met intended river front vegetation.

There was question of this being submitted to DEP.

Ms. Ryder noted a revision regarding the storm water to the affect that it was not agreed upon then but does not apply now. She further noted that anything more than a single family home re: storm water and DEP written statement.

Mr. Febiger inquired about the lawn and it was noted that the lawn will stay as is.  
2 to 1 mitigation.

Ms. Ryder noted that the Commission can still ask for additional planting.

Mr. Schenk inquired as to the planting and Ms. Ryder noted Willow trees.

Mr. Schenk stated that flooding and groundwater can be two different things and asked about the Board of Health and it was noted the Board of Health and Bill Sanborn.

The applicant stated this has gone from 6 to 4 to 2 bedrooms.

PUBLIC COMMENT: none

Mr. Schenk noted info to DEP and scheduled a time and date of 2/21/07 at 6:45 for closure. It was further noted that a cc to be sent to The Cons. Comm. as to what is sent to DEP. Further noted that without that happening The Cons. Comm. will not be able to sign and close.

Ms. Ryder noted that the Comm. will wait for writings before signing.

MOTION: Mr. Febiger moves to continue the matter to the above date

SECOND: Mr. Anderson                      VOTE: 4-0 all in favor

**130 WHEELER STREET** (Map 100 Lot 28)

Matthew Murray to amend Order of Conditions 28-1727 for clearing and planting activities.

**129 WHEELER STREET** (Map 100 Lot 35)

Matthew Murray for a request to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance for a previously constructed deck.

Mr. Frederick Geisel for the applicant.

Mr. Geisel reviewed the plan with the Commission stating a site visit was done a month ago with a tour of the property. A careful survey was done to determine where coastal bank was in relation to the property. He referred to the plan and noted the deck.

He took 5 cross sections spanning the work area, undisturbed area for a number of years.

He noted on the plan (2) North and Orchard Way to the south and (3) in the middle. He looked at the property next door re: coastal bank, elevation 15. The slope at the edge of the property was noted as 4 to 1 and further noted on the plan the stone wall re: coastal bank. Grades came from a City of Gloucester survey in the 1990's, prior to the River front Act. Noting the 5 cross sections he listed 23%, 21%, 24%, 19% > all less than 4 to 1, puts a 100 ft. buffer through the house. He anticipates that the Commission will find jurisdiction over the deck. He feels the elevation of the coastal bank is an accurate determination. No disturbance with hand dug holes and the lawn area remains, no adverse impact across the street from property where coastal bank was.

Ms. Ryder noted the deck and being permittable. She noted approved site plan, existing and proposed, no where noted: 10 or 15 re: coastal bank, again was not noted.

Area cross section B, C, D regarded on site, was coastal bank, before Mr. Geisel was hired.

Entire site (130) except for a small paved area.

She further stated that the bank delineation is not correct. High tide is not coastal bank.

Mr. Geisel noted elevations of 20 to 25.

Mr. Ryder noted that William Manuell had 15 for coastal bank.

Mr. Gulla noted between 10 and 15.

Mr. Schenk inquired as to where this was noted and Ms. Ryder stated that it was noted in the decision. Consider the coastal bank at edge of the flood zone, coastal bank shifts from one property to another. A violation cannot be used to determine coastal bank.

Mr. Geisel notes he did not do that, with the property next door, took the most restrictive one, took cross sections, undisturbed area straddling disturbed areas (above and below), and took areas that had not been altered, below and above the lawn area, Area D all bushes taking a fairly wide area. He noted less than 25%, less than 4 to 1.

Mr. Schenk inquired as to elevation 20 being at the coastal bank and Mr. Geisel stated yes, found nothing re: the top of the street and coastal bank. He further noted the edge of the stone wall where area had not been altered.

Mr. Febiger inquired as to elevation 25 and being steeper and Mr. Geisel stated no, less than 4 to 1, jogs down from 25 to 20 on the property.

Ms. Ryder read from the original Order of Conditions. The Commission referred to the bank 5 times as being re-vegetated. There was a requirement that the applicant set up the removal of invasives, one quadrant at a time because of the steepness. This was asked of the current landowner before Mr. Geisel was retained to represent the applicant.

Further referred to was a project that was done on the embankment. Noted was the Murrays response to the Commission enforcement letter. The applicant referred to the area as an embankment. All areas bank minus the paved area.

Mr. Febiger noted that he was looking at crude drawings and a lot has been said that needs to be reviewed.

Mr. Anderson passed on commenting.

Ms. Jackson noted the site visit and things being clearly altered, except for maybe the far right. She further stated agreement with The Agent in that the coastal bank has been altered.

Mr. Schenk noted his recollection of the site visit and stated that he would put the coastal bank at 25 as a minimum.

Ms. Ryder introduced a photo for the Commission to review and notes no break in slope, original photo prior to the disturbance. The Commission members review the photo.

Mr. Geisel reviews the photo as well.

Mr. Febiger inquired as to the date of the document and Ms. Ryder stated 2005 but would check and confirm.

Mr. Geisel in reviewing the photo stated it was hard to tell and looking at the contours, not a great change of slope, more gradual change. He further reiterated what he did re: the slope and no disturbance area.

Further noted was the taking a slope less than 4 to 1, problem now 8 or 10 to 1, fill is at the top of the coastal bank. Mr. Geisel stated that if Mr. Febiger requests more information he would accommodate him.

Mr. Geisel noted the break in the slope and coastal bank, ignored the fill and went below and above.

Mr. Schenk noted the break in coastal bank, 15. Mr. Geisel stated 20 with street elevation 32 or 33, going at least 10 ft. in each direction.

Mr. Febiger noted no base to where topographical lines should be. Ms. Ryder noted that you can ask that existing be as such.

Mr. Geisel noted that no matter we do we are in the resource area.



Mr. Anderson agrees the deck to be approvable.

PUBLIC COMMENT: none

Further discussed: negative determination, the slope, the line as drawn and buffer zone does not apply. It was further stated that Mr. Geisel and the landowner are trying to re-determine the coastal bank.

Mr. Febiger asked Mr. Geisel if he agreed with that and Mr. Geisel stated No, not listed as coastal bank but listed as an embankment/slope and work done in the coastal bank was permitted by the Commission. Further stating he can provide further information to the Commission in order that they may make a determination.

Mr. Febiger stated that not enough information at this time and agreed with The Agent regarding the uniform slope.

Ms. Ryder stated she had no issue with the deck and the Commission could go forward with a decision regarding the deck.

Mr. Schenk asked for a motion regarding the deck.

MOTION: Mr. Anderson, negative determination

(approval no validating the coastal bank as represented on revised map dated 01/30/07.

Positive 5 Negative 3

SECOND: Ms. Jackson VOTE: 4-0

Ms. Ryder noted after the fact filing this being a violation. 2 to 1 waive or determine.

Mr. Schenk inquired as to natural plantings and Ms. Jackson stated yes.

Mr. Febiger asked if the owners are the same for 129 and 130 and Ms. Ryder stated Yes.

Mr. Schenk further asked if there is space for planting and Mr. Geisel stated low plantings on the street side. Mr. Schenk stated that the types of plantings are to be approved by The Agent.

Mr. Anderson asked if there was room for 2 to 1 and Ms. Ryder, Mr. Geisel and Mr. Schenk all stated that there was not enough room.

Re: 130 information is requested, justification as to where the coastal bank sits.

Mr. Geisel stated he would provide that information along with any other information the Commission should need to make a decision.

Mr. Schenk noted that he would like to look at the file and minutes from Ms. Ryder.

PUBLIC COMMENT: none

MOTION: Ms. Jackson moves to continue the matter until 03/21/07 at 7:30 PM

SECOND: Mr. Febiger VOTE: 4-0 all in favor

Mr. Anderson noted the he feels there is no guidance as to what he wants for further information because what was there isn't there now. Mr. Febiger asked about the worst case assumption re: coastal bank.

#### 5 MINUTE Recess

#### **SAM PARK** (Map 262 Lots 13 &14, Map 43 Lot 4)

A filing under the MA Wetlands Protection Act by Sam Park to construct mixed use development and access road off Rte 128 Extension behind Fuller School.

REQUEST FOR CONTINUANCE TO 02/21/07. (also have the date of 03/07/07)

MOTION: Mr. Anderson moves to continue the matter.

SECOND: Ms. Jackson VOTE: 4-0 all in favor

**145 – 155 ESSEX AVENUE** (Map 218 Lot 31)

Heights at Cape Ann request the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to conduct vista pruning. **REQUEST FOR CONTINUANCE**

**MOTION:** Ms. Jackson

**SECOND:** Mr. Anderson

**VOTE:** 4-0 all in favor

**41 WHITTEMORE ROAD** (Map 2 Lot 7) **NEW**

Cape Ann Forge Trust to Determine the Resource Area Delineation

Ken Fields present and representing the applicant.

Mr. Schenk mentions: President of Art Space, Mr. McNiff made a contribution and he can either recuse himself or listen and abstain from voting. No objections.

The plan is shown to the Commission. Mr. Fields proceeds:

Noted: Coastal beach goes up to coastal land and coastal dune, or man-made structure.

Failed timber \*\*\*\*\* system.

Resource area not considered coastal beach.

Land subject to tidal action ends in NW point of site where ever shore curves around.

Notes flags around fragmities.

Coastal bank-shallow bank no more than 6 to 8 inches deep.

In speaking with The Agent a check on secondary coastal bank noted, less than 10% where land meets coastal bank.

Cross sections noted. First coastal bank to where what could be considered secondary coastal bank.

Mr. Robert Gulla, Commission member, now present at the meeting.

Zone A: elevation 9 represents seaward land subject to coastal flooding, notes circle as a dip.

100 ft .buffer zone noted. 200 ft. river front area from near high water mark.

Color coated version as well.

Ms. Ryder agrees with most of the delineation and noted the applicant and going to the state.

The project will be coming to the Commission adding a fairly significant vegetative buffer. Not really sure if the delineation shows disturbance that exists.

Showing: rip rap wall and retaining wall. It looks like a fairly undisturbed site but that is not the way it is. The ability to do what is proposed, greener site may be hampering the way it is presented.

Mr. Fields stated he spoke with scientists regarding this matter and will certainly give more information to make a better case. This is an historic dumping ground with a tremendous amount of coal tar. As a high marsh was used for industrial purposes.

Photos show.

Ms Ryder states that the delineation lays out the sites current state. She further stated that she does appreciate what has been submitted but not the impact or what the site looks like now.

Mr. Fields asked that the resource area be set. The NoI filing within the next two weeks.

Ms. Ryder noted that DEP has not finished the review of ANRAD.

Mr. Febiger noted the 2<sup>nd</sup> slope stating it is high enough to meet zone under the guidelines.

Mr. Fields explains the slope and the area being much flatter, noting red and green on the map.  
Re: plan from DEP, figure 4 of the site (representative of scenario).

Ms. Jackson, Mr. Anderson and Mr. Gulla had no further comments.

Mr. Schenk noted The Agents recommendations should include disturbed areas with pre-existing conditions as well.

Mr. Fields stated he would discuss with The Agent what further info she needs.

Mr. Schenk noted that changes need to be given to DEP for review.

PUBLIC COMMENT: none

Ms. Ryder stated she had no issues or concerns and that the applicant can submit information if they want to.

MOTION: Ms. Jackson moves to continue the matter for clarification of the plan to 02/21/07

SECOND: Mr. Anderson VOTE: 4-0 all in favor

#### **45 COLES ISLAND ROAD** (Map 253 Lot 20) **NEW**

Crosby Martin requests the Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to construct a foundation driveway utilities and septic system.

John Judd, Gateway Consulting present for the applicant.

Mr. Judd notes this to be a 25+ acre site, single family lot and notes the right hand side.

Resource area exists to the west, marsh on the east and isolated Wetland to the west.

He further noted that soils there are not receptive to on site disposal and outside 300 ft setback NCEC. 200300 and 400 ft. noted.

Request of Negative Determination at this time.

Ms. Ryder stated this is one of her favorite site walks. The driveway minimizes disturbance with this being a nicely laid out plan.

She noted a tiny puddle looking like water perched on ledge. No indication of vernal pool.

Mr. Judd stated that Mr. Martin putting a bridge over the puddle.

No comments from Commission members at this time.

PUBLIC COMMENT: none

Mr. Schenk noted a negative determination.

The Agent notes, positive 2A, positive 5 septic, negative 1 area not subject to protection

Negative 1 work not subject to protection

Mr. Febiger inquired as to vista pruning and Mr. Judd stated not within the area.

MOTION: Mr. Febiger moves for a Negative Determination

SECOND: Ms. Jackson VOTE: 4-0 all in favor

#### **11 JEBEKA LANE** (Map 252 Lot 17)

Deborah Holland to remove existing dock and construct a new dock.

Ms. Mary Rimmer for the applicant

Ms. Rimmer stated this property was purchased September of 2005.

Existing dock viewed by the Commission. Dock is not pile supported as it's on the mud flats.

She stated that the Hollands approached The Agent re: new design for the dock.

Shellfish Habitat was noted as well as the salt marsh and how much to restore as well as the moving of a structure. 400 sq. ft/ orig. NoI had dock that was 116 ft long which has now been reduced to 47 ft., from 16 x 20 to 12 x 20. Staggered piers with 1 float supported by 18 inches, flood collar and stays.

Submission to Nat. Heritage which they signed off on it.

Submitting to MESA for review.

ACEC – elevation 10 (within Great Marsh) Further noted was the rise and fall of the dock, the time of year and different agencies to coordinate that.

Dept. of Marine Fisheries comments were read by the Commission members.

Mr. Gulla inquired as to 2.5 ft not 18? Ms. Rimmer replied that she can make it 2.5.

Mr. Anderson noted another project similar to this one.

Ms. Ryder stated that the usual recommendation is 4 ft.

This being based on vegetation minimum drop of the float off the flat.

Ms. Rimmer noted float collars.

Mr. Gulla inquired as to the reason for 18 inches.

Ms. Rimmer stated that they will collar at 2.5 ft.

Ms. Ryder noted that there were many site visits and improvements were met further noting that Dave Sargent feels the same.

Areas not sure of: ACEC under Wetland Prot. Act / no adverse impact to habitat.

Local Ord. protects the upland edge. Elevation 10 marks ACEC, shifting part of that issue with the Gloucester Wetland Ord.

Ms. Ryder noted a composite decking/mesh. Mr. Gulla asked if that was something like a grid and Ms. Ryder stated Yes and further noted every plan can be granted w/explanation.

Mr. Febiger inquired as to this being the first deck since ACEC.

Ms. Ryder noted that it is different: site and presentation differ, hard to put a three hour site visit into a short presentation at a Cons. Comm. meeting.

The restoration of the salt marsh was noted and prev. discussed with Dave Sargent but not on the plan. Hay was noted and Ms. Rimmer feels that will wash away.

Ms. Rimmer discussed spike grass and salt marsh hay.

Mr. Schenk asked if silt was accounted for and Ms. Rimmer stated it is and that elevation sensitive viable salt marsh one either side of it.

Ms. Ryder noted that the whole plan needs to be in a narrative.

Mr. Schenk asked if the applicant would be amenable to a grid system

A spec sheet was noted and rather than boards, more like a grid/open deck.

PUBLIC COMMENT: none

Ms. Ryder noted the public sign Habitat, this needing more narrative.

A specialist in salt marsh restoration to be on site at all times.

### **70 HOLLY STREET** (Map 123 Lot 70)

### **REQUEST FOR A CONTINUANCE TO 03/07/07**

MOTION: Mr. Anderson moves to continue the matter until 03/07/07 at 9:30 PM.

SECOND: Ms. Jackson                      VOTE: 5-0

### **12 BEACHCROFT ROAD** (Map 175 Lot 6 & 26) **NEW**

Ruth Winde requests the Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to construct a gravel parking area.

John Judd present to represent the applicant.

He notes this being an after the fact filing. Filing made re: low pressure sewer line from dwelling to Beachcroft Rd. An injector pump was note in association with the gravel parking

area. 4 ft of coverage needed. It was noted that this was raised up, boulders for elevation and the resource area noted. 50 ft and 100 ft. buffer.

At a site visit with The Agent it was noted that plantings are needed.

Ms. Ryder asked about invasives and Mr. Judd said he was not sure.

Ms. Ryder noted a condition w/ non invasives.

Ms. Ryder noted the site plan, water supply line, stone wall looks rusty.

Submission of a letter regarding Mike Hale.

3 trees were removed.

Ms. Ryder recommends 2 to 1 mitigation, noting planting has been done.

Mr. Gulla inquired as to the contractor and permits.

Ms. Ryder noted that The Eng. Dept thought they could just sign off on the connection and no need for Cons. Comm. approval, not happening now.

PUBLIC COMMENT: none

Noted: Any plantings not on native invasive list, wanting fruit bearing plantings.

A motion was requested re: negative determination. Positive 2A Positive 5 Negative 3.

MOTION: Ms. Jackson moves for neg. det.

SECOND: Mr. Gulla VOTE: 5-0 all in favor.

### **NILES POND**

Vista pruning – permit every year.

### **381 WASHINGTON STREET**

Amendment request for DoA 1064

Proposed Letter from Kelley Sullivan to ECGB re: coordination of a Greenway.

Needs GCC review and approval. This is in regards to land off Marble Road to create a Greenway.

Ms. Ryder noted that approval is needed from Cons. Comm. before letter is to be sent.

Mr. Febiger asked what our relationship is to this area and Ms. Ryder responded stating that it is an attempt to create a formalized Greenbelt proposal.

Mr. Febiger noted that we attempted that approx. 10 yrs. ago w/land requisition.

Ms. Ryder noted this was some City and some Cons. Comm. land

Mr. Febiger stated that it sounds like a good idea.

MOTION: Mr. Schenk moves to \*\*\*\*\*

SECOND: Mr. Febiger VOTE: 5-0 all in favor

### **SYMES – GOOSE COVE VILLAGE – OSRD Proposal for PB**

Mr. Anderson noted NoI. And Ms. Ryder stated no, no project but preliminary before planning.

Mr. Febiger noted the drainage and hydrology. Actual houses needs to be noted.

Ms. Ryder agrees.

Mr. Febiger noted house lots 12 and 2 adjacent to the Wetland.

Mr. Schenk asked if this is available to the public and Ms. Ryder stated yes available to the public now.

Mr. Gulla asked why we haven't received a plan yet and isn't that standard practice.

Ms. Ryder noted the stand alone permit process and unfortunately regulations can conflict.

Mr. Febiger referred to a letter and bullet #2 near end, under state or by laws?

Mr. Ryder replied: State presumed and performance standards to show no adverse impact.

Mr. Febiger inquired re: waivers nutrient loading.

Ms. Ryder noted the recommendation, baseline to The Planning Board.

Mr. Febiger noted that it looked good.

Mr. Gulla asked if there is a definition for open space. It was noted that in regards to open space The Planning Board definition differs from the Conservation Commission's definition.

A vote was asked in regards to the letter as amended.

MOTION: Mr. Gulla re: the above

SECOND: Ms. Jackson                      VOTE: 5-0 all in favor

Letter read by Ms. Ryder

5 comments regarding Contractors Yards (abbreviated)

1. Control the size of the yard
2. Essential to know the depth of ground water
3. Listing of proposed stated use- range
4. Hours of operation to be noted as well as lighting of the area
5. Proposed controlled treating of storm water.

Ms. Ryder noted the proposal put together with her and Tay.

Waiver regarding local Wetland Ordinance in upland.

Ms. Ryder noted \*\*\* balance for existing is proposed needing to have calculations.

Mr. Schenk advised to close and sign at next meeting.

Ms. Ryder noted \*\*\* balance and a better salt marsh restoration narrative.

MOTION: Ms. Jackson moves to continue the matter until 02/21/07

SECOND: Mr. Anderson                      VOTE: 5-0 all in favor

### **17 ANDREWS STREET**

(Adjacent to land at Lanes Cove)

Ms. Ryder notes this property is before the Zoning of Appeals.

Dwelling w/deck, wants a 3 story dwelling.

Coastal bank to the road.

Mr. Schenk noted we are abutters with conservation land beside the property.

Ms. Ryder reads from a letter to the Commission. She further stated she would work on the letter with Mr. Schenk.

Sea breeze - preliminary plan

Ms. Ryder passed along packets from Mike Hale to the Commission members for review.

### **Continued to an upcoming meeting:**

Legal Appeals Notices and Updates

Correspondence and Other Commission Business

Minutes Review and Current Projects and Meetings

MOTION: Mr. Febiger moves to adjourn the meeting

SECOND: Ms. Jackson                      VOTE: 5-0 all in favor

Respectfully submitted, Carol A. Gray Recording Clerk